

America's capacity for technological innovation has long given us the strongest economy and military on earth, but this advantage is not a given; it must be nurtured and maintained. To that end, this year's NDAA authorizes significant funding increases for cutting-edge technologies like microelectronics, hypersonic weapons, and low-cost unmanned aircraft. Similarly, it increases funding to support U.S. Cyber Command's Hunt Forward Operations and artificial intelligence capabilities.

And, as we navigate threats of nuclear escalation from Russia and increasing capabilities from China, the NDAA enhances our deterrence strategy by helping to modernize the U.S. nuclear triad. It makes progress toward ensuring the security of our nuclear stockpile, delivery systems, and infrastructure; increasing capacity in missile defense; and strengthening non-proliferation programs.

This bill was originally crafted by the Armed Services Committee after a series of thoughtful hearings, discussions, and debates on both sides of the aisle. Through the committee markup process, we considered more than 443 amendments and ultimately adopted 233 of them. Senator INHOFE and I introduced this bill to the full Senate with the intent of adding more amendments on the floor. Although we were not able to come to hold debate on the floor, we were ultimately able to adopt amendments from Senators on both sides of the aisle in the final legislation, including several major authorization bills from other committees.

Over the past several weeks, the Senate and House Armed Services Committees have worked around the clock to come to an agreement on this final version. I am proud of the improvements we made throughout this process, and I was pleased to see the House vote last week in an overwhelmingly bipartisan fashion, 350-80, to pass the bill. We have produced a strong NDAA that both parties, both Chambers, and the President will be able to sign.

I would like to take this opportunity to recognize the phenomenal staff who made this bill possible. There are dozens of staff across the committees and floor who worked tirelessly to bring us to this point, and we are all immensely grateful for their dedication. I will submit each of their names for the record. I want to specifically recognize the director for the Armed Services Democratic staff, Elizabeth King, and the director for the Republican staff, John Wason. They have led their staffs admirably and collaborated with bipartisan ship, diligence, and skill.

I would also like to thank members of the Armed Services Committee staff: Jody Bennett, Carolyn Chuhta, Jon Clark, Jenny Davis, Jonathan Epstein, Jorie Feldman, Kevin Gates, Creighton Greene, Gary Leeling, Kirk McConnell, Maggie McNamara Cooper, Bill Monahan, Mike Noblet, John Quirk, Andy Scott, Cole Stevens, Brittany

Amador, Patrick Shilo, Alison Warner, Leah Brewer, Megan Lustig, Joe Gallo, Chad Johnson, Jessica Lewis, Griffin Cannon, Brandon Kasprick, Sofia Kamali, Vannary Kong, and, once again, staff director Elizabeth King.

Let me conclude by once again thanking Ranking Member INHOFE, Chairman SMITH, and Ranking Member ROGERS for working thoughtfully and on a bipartisan basis to develop this important piece of legislation.

Finally, I thank my colleagues for voting in favor of this excellent bill.

Mr. INHOFE. Mr. President, after months of deliberating, just like that, the most important bill we work on every year has passed the Senate.

There is an old document that no one reads anymore called the Constitution. It tells us what we are supposed to be doing here; providing for our national defense. That is why Congress has passed a Defense authorization bill for 61 years in a row. This year will be No. 62. I am proud to have been involved in quite a few of those.

Just like prior years, Republicans and Democrats came together and made compromises on the many provisions in this bill. And it is a good thing we did because we face threats like I have never seen before in my life. We have got a bill that addresses many of these threats and helps provide our military with all the tools needed to do their jobs.

This bill includes a significant topline increase and provides a blueprint for where we need to invest to deter China. It fully supports our nuclear modernization program. It also takes the first step to restoring America as the Arsenal of Democracy by expanding munitions production. It includes multiple provisions that strengthen America's frontline partners, including Ukraine and Taiwan. We continue to take care of service members, including by repealing the COVID vaccine mandate and strengthening parents' rights at DOD schools. It is also important to note that we kept poison pills out of the final text that could have jeopardized passage of this critical bill. This is a good bill. It is not the bill I would have written on my own, but I am proud to vote for it today.

Lastly, I would like to thank a few people who put in a ton of work on the NDAA. That starts with Chairman REED, who has been a great partner and friend. I would like to thank the Armed Services Committee staff, who have worked tirelessly to make this bill a reality, including the majority staff director, Liz King.

On my staff, there are many who have had a hand in crafting this bill. They worked the late nights and early mornings to make sure we had a bill to vote on today. First on that list is my Republican staff director, John Wason. John has been serving this country his entire life, first in the U.S. Army, then at the House Armed Services Committee, and now here in the Senate.

None of this would be possible without his leadership.

On the minority staff for the committee, I want to thank:

Rick Berger
Scott Richardson
Greg Lilly
Jennie Wright
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Kristina Belcourt
Allen Edwards
Katie Magnus
Sean O'Keefe
Brad Patout
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Adam Trull, and
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Alexandra Slocum
Bennett Crow
Davis Bunn
Laurie Fitch
Lauren Pickett
Whitney Sterling
Isabelle Colleti
Laura Hill, and
Richard Balzano

And the hard-working floor staff:

Robert Duncan
Chris Tuck
Tony Hanagan
Katherine Foster
Brian Canfield
Max Boyd
Maddie Sanborn
Charlotte Ueland, and
Noelle Ringel

I am very grateful for all of their service.

As I finish my time here in the Senate, I can leave knowing that we have done all we can to support our troops for another year and we have succeeded.

DIRECTING THE CLERK OF THE HOUSE OF REPRESENTATIVES TO MAKE A CORRECTION IN THE ENROLLMENT OF THE BILL H.R. 7776

The PRESIDING OFFICER. Under the previous order, H. Con. Res. 121 is considered and agreed to, and the motion to reconsider is considered made and laid upon the table.

The concurrent resolution (H. Con. Res. 121) was agreed to.

FURTHER CONTINUING APPROPRIATIONS AND EXTENSIONS ACT, 2023—Continued

The PRESIDING OFFICER. The pending business is now the message with respect to H.R. 1437.

The Senator from Utah.

Mr. LEE. Mr. President, I ask unanimous consent that the following Senators be permitted to speak prior to

the votes in relation to H.R. 1437: Senator LEE for 5 minutes and Senator SCOTT for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTION TO CONCUR WITH AMENDMENT NO. 6541,
AS MODIFIED

Mr. LEE. Mr. President, I move to concur in the House amendment to the Senate amendment to H.R. 1437, with amendment numbered 6541, as modified, with the changes at the desk.

The PRESIDING OFFICER. The clerk will report by number.

The senior assistant legislative clerk read as follows:

The Senator from Utah [Mr. LEE] moves to concur in the House amendment to the Senate amendment to H.R. 1437, with an amendment numbered 6541, as modified.

The amendment is as follows:

(Purpose: In the nature of a substitute)

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Further Continuing Appropriations and Extensions Act, 2023”.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

- Sec. 1. Short Title.
- Sec. 2. Table of Contents.
- Sec. 3. References.
- Sec. 4. Payment to Widows and Heirs of Deceased Members of Congress.

DIVISION A—FURTHER CONTINUING APPROPRIATIONS ACT, 2023

DIVISION B—OTHER MATTERS

Title I—Extensions

Title II—Budgetary matters

DIVISION C—HEALTH AND HUMAN SERVICES

Title I—Medicare and Medicaid

Title II—Human Services

Title III—Extension of FDA Authorizations

Title IV—Indian Health

DIVISION D—PRECIP ACT

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

SEC. 4. PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS.

There is hereby appropriated for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, for payment to Colette Wallace McEachin, beneficiary of Aston Donald McEachin, late a Representative from the Commonwealth of Virginia, \$174,000.

DIVISION A—FURTHER CONTINUING APPROPRIATIONS ACT, 2023

SEC. 101. The Continuing Appropriations Act, 2023 (division A of Public Law 117-180) is amended—

(1) by striking the date specified in section 106(3) and inserting “March 10, 2023”;

(2) by adding after section 157 the following new section:

“SEC. 158. During the period covered by this Act, section 227(a) of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1525) shall not apply.”

This division may be cited as the “Further Continuing Appropriations Act, 2023”.

DIVISION B—OTHER MATTERS

TITLE I—EXTENSIONS

SEC. 101. EXTENSION OF FCC AUCTION AUTHORITY.

Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by

striking “December 16, 2022” and inserting “March 10, 2023”.

SEC. 102. EXTENSION OF AUTHORIZATION FOR SPECIAL ASSESSMENT FOR DOMESTIC TRAFFICKING VICTIMS’ FUND.

Section 3014(a) of title 18, United States Code, is amended, in the matter preceding paragraph (1), by striking “December 16, 2022” and inserting “March 10, 2023”.

SEC. 103. UNITED STATES PAROLE COMMISSION EXTENSION.

(a) SHORT TITLE.—This section may be cited as the “United States Parole Commission Further Extension Act of 2022”.

(b) AMENDMENT OF SENTENCING REFORM ACT OF 1984.—For purposes of section 235(b) of the Sentencing Reform Act of 1984 (18 U.S.C. 3551 note; Public Law 98-473; 98 Stat. 2032), as such section relates to chapter 311 of title 18, United States Code, and the United States Parole Commission, each reference in such section to “35 years” or “35-year period” shall be deemed a reference to “35 years and 130 days” or “35-year and 130-day period”, respectively.

SEC. 104. EXTENSION OF COMMODITY FUTURES TRADING COMMISSION CUSTOMER PROTECTION FUND EXPENSES ACCOUNT.

Section 1(b) of Public Law 117-25 (135 Stat. 297), as amended by section 104 of division C of the Continuing Appropriations and Ukraine Supplemental Appropriations Act, 2023 is amended by striking “December 16, 2022” each place it appears and inserting “March 10, 2023”.

TITLE II—BUDGETARY MATTERS

SEC. 201. PAYGO REPORT.

Notwithstanding subsection (a) of section 5 of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 934), the Office of Management and Budget shall make publicly available the annual PAYGO report required under such subsection for 2022 and prepare any order required under subsection (b) of such section not later than March 11, 2023.

DIVISION C—HEALTH AND HUMAN SERVICES

TITLE I—MEDICARE AND MEDICAID

SEC. 101. EXTENSION OF INCREASED INPATIENT HOSPITAL PAYMENT ADJUSTMENT FOR CERTAIN LOW-VOLUME HOSPITALS.

(a) IN GENERAL.—Section 1886(d)(12) of the Social Security Act (42 U.S.C. 1395ww(d)(12)) is amended—

(1) in subparagraph (B), in the matter preceding clause (i), by striking “December 17, 2022” and inserting “March 11, 2023”;

(2) in subparagraph (C)(i)—
(A) in the matter preceding subclause (I), by striking “December 16, 2022” and inserting “March 10, 2023”;

(B) in subclause (III), by striking “December 16, 2022” and inserting “March 10, 2023”;

(C) in subclause (IV), by striking “December 17, 2022” and inserting “March 11, 2023”;

(3) in subparagraph (D)—

(A) in the matter preceding clause (i), by striking “December 16, 2022” and inserting “March 10, 2023”;

(B) in clause (ii), by striking “December 16, 2022” and inserting “March 10, 2023”.

(b) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the provisions of, including the amendments made by, this section by program instruction or otherwise.

SEC. 102. EXTENSION OF THE MEDICARE-DEPENDENT HOSPITAL PROGRAM.

(a) IN GENERAL.—Section 1886(d)(5)(G) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(G)) is amended—

(1) in clause (i), by striking “December 17, 2022” and inserting “March 11, 2023”;

(2) in clause (ii)(II), by striking “December 17, 2022” and inserting “March 11, 2023”.

(b) CONFORMING AMENDMENTS.—

(1) EXTENSION OF TARGET AMOUNTS.—Section 1886(b)(3)(D) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(D)) is amended—

(A) in the matter preceding clause (i), by striking “December 17, 2022” and inserting “March 11, 2023”;

(B) in clause (iv), by striking “December 16, 2022” and inserting “March 10, 2023”.

(2) PERMITTING HOSPITALS TO DECLINE RECLASSIFICATION.—Section 13501(e)(2) of the Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 1395ww note) is amended by striking “December 16, 2022” and inserting “March 10, 2023”.

SEC. 103. EXTENSION OF INCREASED FMAPS UNDER MEDICAID FOR THE TERRITORIES.

Section 1905(ff) of the Social Security Act (42 U.S.C. 1396d(ff)) is amended—

(1) in paragraph (2), by striking “December 16, 2022” and inserting “March 10, 2023”;

(2) in paragraph (3), by striking “December 16, 2022” and inserting “March 10, 2023”.

SEC. 104. MEDICARE IMPROVEMENT FUND.

Section 1898(b)(1) of the Social Security Act (42 U.S.C. 1395iii(b)(1)) is amended by striking “\$7,308,000,000” and inserting “\$7,278,000,000”.

TITLE II—HUMAN SERVICES

SEC. 201. EXTENSION OF MATERNAL, INFANT, AND EARLY CHILDHOOD HOME VISITING PROGRAMS.

Activities authorized by section 511 of the Social Security Act shall continue through March 10, 2023, and out of any money in the Treasury of the United States not otherwise appropriated, there is hereby appropriated for such purpose an amount equal to the pro rata portion of the amount appropriated for such activities for fiscal year 2022.

SEC. 202. EXTENSION OF CHILD AND FAMILY SERVICES PROGRAMS.

Activities authorized by part B of title IV of the Social Security Act shall continue through March 10, 2023, in the manner authorized for fiscal year 2022, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose.

TITLE III—EXTENSION OF FDA AUTHORIZATIONS

SEC. 301. REAUTHORIZATION OF THE CRITICAL PATH PUBLIC-PRIVATE PARTNERSHIP.

Section 566(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb-5(f)) is amended by striking “\$1,265,753 for the period beginning on October 1, 2022 and ending on December 16, 2022” and inserting “\$2,646,574 for the period beginning on October 1, 2022 and ending on March 10, 2023”.

SEC. 302. REAUTHORIZATION OF THE BEST PHARMACEUTICALS FOR CHILDREN PROGRAM.

Section 409I(d)(1) of the Public Health Service Act (42 U.S.C. 284m(d)(1)) is amended by striking “\$5,273,973 for the period beginning on October 1, 2022 and ending on December 16, 2022” and inserting “\$11,027,398 for the period beginning on October 1, 2022 and ending on March 10, 2023”.

SEC. 303. REAUTHORIZATION OF THE HUMANITARIAN DEVICE EXEMPTION INCENTIVE.

Section 520(m)(6)(A)(iv) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)(6)(A)(iv)) is amended by striking “December 17, 2022” and inserting “March 11, 2023”.

SEC. 304. REAUTHORIZATION OF THE PEDIATRIC DEVICE CONSORTIA PROGRAM.

Section 305(e) of the Pediatric Medical Device Safety and Improvement Act of 2007

(Public Law 110-85; 42 U.S.C. 282 note) is amended by striking “\$1,107,534 for the period beginning on October 1, 2022, and ending on December 16, 2022” and inserting “\$2,315,753 for the period beginning on October 1, 2022 and ending on March 10, 2023”.

SEC. 305. REAUTHORIZATION OF PROVISION PERTAINING TO DRUGS CONTAINING SINGLE ENANTIOMERS.

Section 505(u)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(u)(4)) is amended by striking “December 17, 2022” and inserting “March 11, 2023”.

SEC. 306. REAUTHORIZATION OF CERTAIN DEVICE INSPECTIONS.

Section 704(g)(11) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(g)(11)) is amended by striking “December 17, 2022” and inserting “March 11, 2023”.

SEC. 307. REAUTHORIZATION OF ORPHAN DRUG GRANTS.

Section 5(c) of the Orphan Drug Act (21 U.S.C. 360ee(c)) is amended by striking “\$6,328,767 for the period beginning on October 1, 2022, and ending on December 16, 2022” and inserting “\$13,232,876 for the period beginning on October 1, 2022 and ending on March 10, 2023”.

SEC. 308. REAUTHORIZATION OF REPORTING REQUIREMENTS RELATED TO PENDING GENERIC DRUG APPLICATIONS AND PRIORITY REVIEW APPLICATIONS.

Section 807 of the FDA Reauthorization Act of 2017 (Public Law 115-52) is amended, in the matter preceding paragraph (1), by striking “December 16, 2022” and inserting “March 10, 2023”.

SEC. 309. REAUTHORIZATION OF THIRD-PARTY REVIEW PROGRAM.

Section 523(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360m(c)) is amended by striking “December 17, 2022” and inserting “March 11, 2023”.

TITLE IV—INDIAN HEALTH

SEC. 401. EXTENSION OF MORATORIUM.

Section 424(a) of title IV of division G of Public Law 113-76 is amended by striking “December 16, 2022” and inserting “March 11, 2023”.

DIVISION D—PRECIP ACT

SEC. 1. SHORT TITLE.

This Act may be cited as the “Providing Research and Estimates of Changes In Precipitation Act” or the “PRECIP Act”.

SEC. 2. AMENDMENT TO THE WEATHER RESEARCH AND FORECASTING INNOVATION ACT OF 2017 RELATING TO IMPROVING FEDERAL PRECIPITATION INFORMATION.

(a) **IN GENERAL.**—The Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8501 et seq.) is amended by adding at the end the following:

“TITLE VI—IMPROVING FEDERAL PRECIPITATION INFORMATION

“SEC. 601. STUDY ON PRECIPITATION ESTIMATION.

“(a) **IN GENERAL.**—Not later than 90 days after the date of enactment of the PRECIP Act, the Administrator, in consultation with other Federal agencies as appropriate, shall seek to enter an agreement with the National Academies—

“(1) to conduct a study on the state of practice and research needs for precipitation estimation, including probable maximum precipitation estimation; and

“(2) to submit, not later than 24 months after the date on which such agreement is finalized, to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, and make publicly available on a website, a report on the results of the study under paragraph (1).

“(b) **STUDY.**—The report under subsection (a) shall include the following:

“(1) An examination of the current state of practice for precipitation estimation at scales appropriate for decisionmaker needs, and rationale for further evolution of this field.

“(2) An evaluation of best practices for precipitation estimation that are based on the best-available science, include considerations of non-stationarity, and can be utilized by the user community.

“(3) A framework for—

“(A) the development of a National Guidance Document for estimating extreme precipitation in future conditions; and

“(B) evaluation of the strengths and challenges of the full spectrum of approaches, including for probable maximum precipitation studies.

“(4) A description of existing research needs in the field of precipitation estimation in order to modernize current methodologies and consider non-stationarity.

“(5) A description of in-situ, airborne, and space-based observation requirements, that could enhance precipitation estimation and development of models, including an examination of the use of geographic information systems and geospatial technology for integration, analysis, and visualization of precipitation data.

“(6) A recommended plan for a Federal research and development program, including specifications for costs, timeframes, and responsible agencies for addressing identified research needs.

“(7) An analysis of the respective roles in precipitation estimation of various Federal agencies, academia, State, tribal, territorial, and local governments, and other public and private stakeholders.

“(8) Recommendations for data management to promote long-term needs such as enabling retrospective analyses and data discoverability, interoperability, and reuse.

“(9) Recommendations for how data and services from the entire enterprise can be best leveraged by the Federal Government.

“(10) A description of non-Federal precipitation data, its accessibility by the Federal Government, and ways for National Oceanic and Atmospheric Administration to improve or expand such datasets.

“(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized \$1,500,000 to the National Oceanic and Atmospheric Administration to carry out this study.

“SEC. 602. IMPROVING PROBABLE MAXIMUM PRECIPITATION ESTIMATES.

“(a) **IN GENERAL.**—Not later than 90 days after the date on which the National Academies makes public the report under section 601, the Administrator, in consideration of the report recommendations, shall consult with relevant partners, including users of the data, on the development of a plan to—

“(1) not later than 6 years after the completion of such report and not less than every 10 years thereafter, update probable maximum precipitation estimates for the United States, such that each update considers non-stationarity;

“(2) coordinate with partners to conduct research in the field of extreme precipitation estimation, in accordance with the research needs identified in such report;

“(3) make publicly available, in a searchable, interoperable format, all probable maximum precipitation studies developed by the National Oceanic and Atmospheric Administration that the Administrator has the legal right to redistribute and deemed to be at an appropriate state of development on an internet website of the National Oceanic and Atmospheric Administration; and

“(4) ensure all probable maximum precipitation estimate data, products, and sup-

porting documentation and metadata developed by the National Oceanic and Atmospheric Administration are preserved, curated, and served by the National Oceanic and Atmospheric Administration, as appropriate.

“(b) **NATIONAL GUIDANCE DOCUMENT FOR THE DEVELOPMENT OF PROBABLE MAXIMUM PRECIPITATION ESTIMATES.**—The Administrator, in collaboration with Federal agencies, State, territorial, Tribal and local governments, academia, and other partners the Administrator deems appropriate, shall develop a National Guidance Document that—

“(1) provides best practices that can be followed by Federal and State regulatory agencies, private meteorological consultants, and other users that perform probable maximum precipitation studies;

“(2) considers the recommendations provided in the National Academies study under section 601;

“(3) facilitates review of probable maximum precipitation studies by regulatory agencies; and

“(4) provides confidence in regional and site-specific probable maximum precipitation estimates.

“(c) **PUBLICATION.**—Not later than 2 years after the date on which the National Academies makes public the report under section 601, the Administrator shall make publicly available the National Guidance Document under subsection (b) on an internet website of the National Oceanic and Atmospheric Administration.

“(d) **UPDATES.**—The Administrator shall update the National Guidance Document not less than once every 10 years after the publication of the National Guidance Document under subsection (c) and publish such updates in accordance with such subsection.

“SEC. 603. DEFINITIONS.

“In this title:

“(1) **ADMINISTRATOR.**—The term ‘Administrator’ means the Under Secretary of Commerce for Oceans and Atmosphere and Administrator of the National Oceanic and Atmospheric Administration.

“(2) **NATIONAL ACADEMIES.**—The term ‘National Academies’ means the National Academies of Sciences, Engineering, and Medicine.

“(3) **UNITED STATES.**—The term ‘United States’ means, collectively, each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands of the United States, and any other territory or possession of the United States.”.

(b) **CONFORMING AMENDMENT.**—Section 1(b) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8501 note) is amended in the table of contents by adding at the end the following:

“TITLE VI—IMPROVING FEDERAL PRECIPITATION INFORMATION

“Sec. 601. Study on precipitation estimation.

“Sec. 602. Improving probable maximum precipitation estimates.

“Sec. 603. Definitions.”.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, we find ourselves back in the same place. It is like *deja vu* all over again. We have been through this process year after year. I have been here 12 years, and it seems more often than not, we are in a very similar circumstance.

We are just a few days away from Christmas, and we are being asked to

move the deadline for the expiration of government funding, potentially leading to a shutdown even closer to Christmas. Today, we are being asked to move it to the day before Christmas Eve.

Obviously, we need to keep the government funded. We don't want a shutdown. No one wants a shutdown. A shutdown would be particularly bad at this time of year. It would be horrible for our constituents, people who rely on the government for a paycheck or for this or that program. It would all be bad, and we all feel the weight of that.

We also feel the weight, as we approach Christmas, of wanting to be able to make good on our promises to our families to spend the holidays with them rather than here in Washington.

As a result of that, every year, knowing this, there seem to be people who want to make sure that all spending decisions are wrapped into one spending bill. Very often, those are wrapped together in one omnibus spending package and then held off until a day or two—sometimes just hours—before the government is set to shut down.

That is when the magic happens. But it is not good magic; it is really bad magic. That is when these twin threats of sacrificing Christmas on the one hand or running into a government shutdown on the other hand—they operate like paired scissor blades to cut through what would otherwise be an insurmountable task. And that task involves convincing Senators to vote for a bill 3,000-plus pages long—likely this year containing 7,500 or so earmarks—a bill that they have never seen; a bill that does not, as we speak right now, exist without ever having seen it.

We all know that this is wrong. We all know that this is a corrupt way to run a government. This is a corrupt process that brings about all kinds of special interest giveaways. And in the absence of the light of day, they pass with the threat—the extorted threat—of a government shutdown or canceling Christmas—Members end up voting for that which they know they have no business supporting.

That is why my amendment is simple. My amendment simply gives us the flexibility to make these decisions not under duress, to make these decisions with clarity of mind and not influenced by this dual threat of a shutdown and cancellation of Christmas.

Now, look, whether you are for this omnibus bill that has yet to come into existence, that has yet to make a public appearance to see the light of day—whether you are for it or against it, you should support my amendment, because if you support my amendment, you are just giving us more flexibility.

The American people deserve nothing less than to allow us to make decisions consciously, knowingly, under the light of day, with clarity of mind, and not under duress. That is what my amendment affords them, extending this out to March 10.

The PRESIDING OFFICER. The Senator from Florida.

MOTION TO CONCUR WITH AMENDMENT NO. 6540

Mr. SCOTT of Florida. Mr. President, I move to concur in the House amendment to the Senate amendment to H.R. 1437 with amendment No. 6540.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Florida [Mr. SCOTT] moves to concur in the House amendment to the Senate amendment to H.R. 1437 with an amendment numbered 6540.

The amendment is as follows:

(Purpose: To rescind certain funding provided to the Internal Revenue Service under section 10301 of Public Law 117-169 and to protect American small businesses, gig workers, and freelancers by repealing the burdensome American Rescue Plan Act of 2021 transactions reporting threshold)

At the end, add the following:

DIVISION E—INTERNAL REVENUE SERVICE AND TAX ADMINISTRATION

SEC. 101. RESCISSION OF CERTAIN FUNDS FOR ENHANCED INTERNAL REVENUE SERVICE RESOURCES.

Effective on the date of enactment of this Act, the unobligated balances of the amounts made available under the following provisions of Public Law 117-169 are rescinded:

(1) INTERNAL REVENUE SERVICE ENFORCEMENT FUNDS.—Section 10301(1)(A)(ii).

(2) INTERNAL REVENUE SERVICE OPERATIONS SUPPORT.—Section 10301(1)(A)(iii).

SEC. 102. REPEAL OF MODIFICATIONS OF EXCEPTIONS FOR REPORTING OF THIRD PARTY NETWORK TRANSACTIONS.

(a) IN GENERAL.—Section 6050W(e) of the Internal Revenue Code of 1986 is amended to read as follows:

“(e) EXCEPTION FOR DE MINIMIS PAYMENTS BY THIRD PARTY SETTLEMENT ORGANIZATIONS.—A third party settlement organization shall be required to report any information under subsection (a) with respect to third party network transactions of any participating payee only if—

“(1) the amount which would otherwise be reported under subsection (a)(2) with respect to such transactions exceeds \$20,000, and

“(2) the aggregate number of such transactions exceeds 200.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to returns for calendar years beginning after December 31, 2021.

Mr. SCOTT of Florida. Mr. President, everyone in this Chamber spoke about the pain American families are feeling as they deal with the raging inflation brought on by Joe Biden's reckless spending, so it was shocking to many of us when Senate Democrats approved \$70 billion to supersize the IRS with 87,000 new agents. That means more audits on families and small businesses just as they struggle to get by thanks to skyrocketing prices.

What is worse, the Biden administration is also changing IRS standards to begin tracking financial transactions Americans make in excess of \$600 to vendors like Cash App and Venmo and PayPal. It is an outrageous violation of Americans' privacy. It is stuff we see in communist China.

That is why I filed an amendment to strike the funding for the new IRS

agents to prevent the IRS from spying on your bank accounts.

I urge my colleagues to protect Americans' privacy, stop the ridiculous audits on families, and support my amendment.

I yield back my time.

The PRESIDING OFFICER. There is now 2 minutes of debate prior to a vote in relation to the Scott amendment. That time is equally divided.

Mr. SCOTT of Florida. I yield back.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, colleagues, I would strongly urge opposition to the Scott motion. The Scott motion would strip funding the IRS needs very much to go after wealthy tax cheats who are refusing to pay taxes they already owe. The most recent IRS Commissioner, a Republican appointee, estimated that the amount of taxes owed that are not collected could be as much as \$1 trillion per year.

Working Americans—firefighters and nurses—who pay their taxes with every paycheck believe that the IRS must have the resources it needs to go after the sophisticated, wealthy tax cheats at the top, but powerful special interests who don't want to pay what they already owe are lying to the American people about how the additional IRS funding will be used.

I urge my colleagues to strongly oppose the Scott motion.

Mr. SCOTT of Florida. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

VOTE ON MOTION TO CONCUR

The question occurs on agreeing to the motion to concur with the Scott amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arizona (Mr. KELLY) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from Missouri (Mr. BLUNT), the Senator from North Carolina (Mr. BURR), the Senator from Texas (Mr. CRUZ), the Senator from Tennessee (Mr. HAGERTY), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from North Carolina (Mr. TILLIS).

Further, if present and voting the Senator from Alaska (Ms. MURKOWSKI) would have voted “yea.”

The result was announced—yeas 45, nays 47, as follows:

[Rollcall Vote No. 397 Leg.]

YEAS—45

Blackburn	Cramer	Hoeben
Boozman	Crapo	Hyde-Smith
Braun	Daines	Inhofe
Capito	Ernst	Johnson
Cassidy	Fischer	Kennedy
Collins	Graham	Lankford
Cornyn	Grassley	Lee
Cotton	Hawley	Lummis

Marshall	Rounds	Sullivan
McConnell	Rubio	Tester
Moran	Sasse	Thune
Paul	Scott (FL)	Toomey
Portman	Scott (SC)	Tuberville
Risch	Shelby	Wicker
Romney	Sinema	Young

NAYS—47

Baldwin	Heinrich	Peters
Bennet	Hickenlooper	Reed
Blumenthal	Hirono	Rosen
Booker	Kaine	Sanders
Brown	King	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Leahy	Shaheen
Carper	Lujan	Smith
Casey	Manchin	Stabenow
Coons	Markey	Van Hollen
Cortez Masto	Menendez	Warner
Duckworth	Merkley	Warnock
Durbin	Murphy	Warren
Feinstein	Murray	Whitehouse
Gillibrand	Ossoff	Wyden
Hassan	Padilla	

NOT VOTING—8

Barrasso	Cruz	Murkowski
Blunt	Hagerty	Tillis
Burr	Kelly	

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 47.

The 60-vote threshold having not been achieved, the motion to concur is not agreed to.

The motion was rejected.

MOTION TO CONCUR WITH AMENDMENT NO. 6451

The PRESIDING OFFICER. There are now 2 minutes of debate prior to a vote in relation to the Lee motion.

The Senator from Utah.

Mr. LEE. Mr. President, we will be voting in a moment on my amendment. Again, this amendment is something that everyone in this Chamber should be able to support, whether you like the omnibus or whether you hate the omnibus. The Senate should be in a position to be able to review the omnibus with a clear head without the pressure of an imminent threat at Christmas-time of a shutdown. The American people deserve this, and so do we. This is the only way to make this right. I encourage all of you to vote for my amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, a continuing resolution to March 10 is short-sighted and wholly unnecessary. It imperils our national security, and it ignores the real pain and consequences of inflation.

Without funding from a full-year omnibus appropriations bill, the NDAA we passed this evening is a broken promise, the bipartisan PACT Act goes underfunded, and VA medical care falls at least \$7.5 billion short.

While some of my colleagues are quick to raise the alarm about our southern border, a CR into March does nothing to address the influx of migrants at our border now. It does nothing to help communities ravaged by drought, hurricanes, flooding and fire. While families feel the pain of inflation, a CR into March does nothing to provide them with relief.

We have a bipartisan, bicameral framework in place that should allow us to complete an omnibus appropriations bill early next week. A CR into

March asks us to abandon our work without offering a different or viable alternative. I urge my colleagues to reject that proposal and allow us time to complete our work.

VOTE ON MOTION TO CONCUR

The PRESIDING OFFICER. The question occurs on agreeing to the motion to concur with the Lee amendment.

Mr. LEE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arizona (Mr. KELLY) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from Missouri (Mr. BLUNT), the Senator from North Carolina (Mr. BURR), the Senator from Texas (Mr. CRUZ), the Senator from Tennessee (Mr. HAGERTY), the Senator from Kansas (Mr. MORAN), the Senator from North Carolina (Mr. TILLIS), and the Senator from South Carolina (Mr. SCOTT).

The result was announced—yeas 35, nays 56, as follows:

[Rollcall Vote No. 398 Leg.]

YEAS—35

Blackburn	Graham	Risch
Boozman	Grassley	Romney
Braun	Hawley	Rubio
Capito	Hoeven	Sasse
Cassidy	Hyde-Smith	Scott (FL)
Cornyn	Johnson	Sullivan
Cotton	Kennedy	Thune
Cramer	Lankford	Toomey
Crapo	Lee	Tuberville
Daines	Lummis	Wicker
Ernst	Marshall	Young
Fischer	Paul	

NAYS—56

Baldwin	Hirono	Reed
Bennet	Inhofe	Rosen
Blumenthal	Kaine	Rounds
Booker	King	Sanders
Brown	Klobuchar	Schatz
Cantwell	Leahy	Schumer
Cardin	Lujan	Shaheen
Carper	Manchin	Shelby
Casey	Markey	Sinema
Collins	McConnell	Smith
Coons	Menendez	Stabenow
Cortez Masto	Merkley	Tester
Duckworth	Murkowski	Van Hollen
Durbin	Murphy	Warner
Feinstein	Murray	Warnock
Gillibrand	Ossoff	Warren
Hassan	Padilla	Whitehouse
Heinrich	Peters	Wyden
Hickenlooper	Portman	

NOT VOTING—9

Barrasso	Cruz	Moran
Blunt	Hagerty	Scott (SC)
Burr	Kelly	Tillis

The motion was rejected.

The PRESIDING OFFICER. Under the previous order, the motion to refer and the motion to concur with amendments are withdrawn.

There are now 2 minutes equally divided prior to the vote on the motion to concur.

The majority leader.

Mr. SCHUMER. Mr. President, we haven't had a single government shut-

down during the entire 117th Congress, and thanks to this weeklong extension today, we are not starting now.

Today's 1-week continuing resolution will keep the government open long enough to give our appropriators a chance to finish their work on a year-long funding package.

This is about taking a very simple, exceedingly responsible step to ensure we finish the year without hiccups and without minimal drama. A 1-week CR will give us more time so we can keep working.

I want to thank my colleagues on both sides of the aisle for their great cooperation.

Next week, hopefully, we will finish the job, passing a package that will keep the government fully funded into next fall. Nobody is going to get everything they want, but the final product will include wins everyone can get behind, including passing the Electoral Count Act, emergency aid for Ukraine, and funding for our kids, our veterans, our small businesses, and our military families.

No drama, no gridlock, no government shutdown this week, it is a win for the American people. I thank my colleagues for their work.

I ask for the yeas and nays.

VOTE ON MOTION TO CONCUR

The PRESIDING OFFICER. The question occurs on agreeing to the motion to concur.

The yeas and nays have been requested.

Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arizona (Mr. KELLY) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from Missouri (Mr. BLUNT), the Senator from North Carolina (Mr. BURR), the Senator from Texas (Mr. CRUZ), the Senator from Tennessee (Mr. HAGERTY), the Senator from Kansas (Mr. MORAN), the Senator from South Carolina (Mr. SCOTT), the Senator from North Carolina (Mr. TILLIS), and the Senator from Pennsylvania (Mr. TOOMEY).

The result was announced—yeas 71, nays 19, as follows:

[Rollcall Vote No. 399 Leg.]

YEAS—71

Baldwin	Duckworth	Lujan
Bennet	Durbin	Manchin
Blumenthal	Feinstein	Markey
Booker	Gillibrand	McConnell
Boozman	Graham	Menendez
Brown	Grassley	Merkley
Cantwell	Hassan	Murkowski
Capito	Heinrich	Murphy
Cardin	Hickenlooper	Murray
Carper	Hirono	Ossoff
Casey	Hyde-Smith	Padilla
Cassidy	Inhofe	Peters
Collins	Kaine	Portman
Coons	Kennedy	Reed
Cornyn	King	Romney
Cortez Masto	Klobuchar	Rosen
Cotton	Leahy	Rubio

Sanders	Stabenow	Warnock
Schatz	Sullivan	Warren
Schumer	Tester	Whitehouse
Shaheen	Thune	Wicker
Shelby	Tuberville	Wyden
Sinema	Van Hollen	Young
Smith	Warner	

NAYS—19

Blackburn	Hawley	Paul
Braun	Hoehen	Risch
Cramer	Johnson	Rounds
Crapo	Lankford	Sasse
Daines	Lee	Scott (FL)
Ernst	Lummis	
Fischer	Marshall	

NOT VOTING—10

Barrasso	Hagerty	Tillis
Blunt	Kelly	Toomey
Burr	Moran	
Cruz	Scott (SC)	

The PRESIDING OFFICER (Ms. BALDWIN). On this vote, the yeas are 71, the nays are 19.

The 60-vote threshold having been achieved, the motion to concur is agreed to.

The motion was agreed to.

PROVIDING FOR A CORRECTION IN THE ENROLLMENT OF H.R. 1437

The PRESIDING OFFICER. Under the previous order, H. Con. Res. 123 is considered agreed to, and the motion to reconsider is considered made and laid upon the table.

The concurrent resolution (H. Con. Res. 123) was agreed to.

The PRESIDING OFFICER. The junior Senator from Maine.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. KING. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations en bloc: Calendar Nos. 1175, 1176, 1177, 1178, 1179, 1180, and 1181; that the Senate vote on the nominations en bloc without intervening action or debate; that the motions to reconsider be considered made and laid upon the table; and that the President be immediately notified of the Senate's action and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the en bloc nominations of Kendra Davis Briggs, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years; Errol Rajesh Arthur, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years; Leslie A. Meek, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years; Carl Ezekiel Ross, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years; Laura E.

Crane, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years; Veronica M. Sanchez, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years; and Vijay Shanker, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years?

The nominations were confirmed en bloc.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. KING. Madam President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Republican leader, the Senate proceed to executive session to consider Executive Calendar No. 1301, Martin J. Gruenberg, of Maryland, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation for a term of six years. (Reappointment); further, that at a time to be determined by the majority leader, in consultation with the Republican leader, the Senate vote without intervening action or debate on the nomination; further, that if the nomination is confirmed, the Senate consider the following nominations en bloc: Calendar Nos. 1298, 1299, 1300, 1302, and 1297; that the Senate vote on the nominations en bloc without intervening action or debate; and that if the nominations are confirmed, the motions to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. KING. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 1303 through 1311 and all nominations on the Secretary's desk in the Air Force, Army, Marine Corps, Navy, and Space Force; that the nominations be confirmed en bloc; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to any of the nominations; and that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

IN THE AIR FORCE

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. David C. Epperson

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Thomas P. Sherman

IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Francis L. Donovan

IN THE AIR FORCE

The following named Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be major general

Brig. Gen. Donald K. Carpenter
Brig. Gen. Samuel C. Keener
Brig. Gen. Mark W. Mitchum
Brig. Gen. Mark D. Piper

The following named Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Steven S. Nordhaus

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Paige M. Jennings

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Jonathan T. Stephens

IN THE MARINE CORPS

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Marcus B. Annibale
Brig. Gen. Lorna M. Mahlock
Brig. Gen. Joseph A. Matos, III
Brig. Gen. David L. Odom
Brig. Gen. Thomas B. Savage
Brig. Gen. William H. Swan
Brig. Gen. Brian N. Wolford
Brig. Gen. Calvert L. Worth, Jr.

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Charles R. Hamilton